

# SENATE RECORD VOTE ANALYSIS

105th Congress  
1st Session

**Vote No. 23**

February 27, 1997, 6:10 pm  
Page S-1726 Temp. Record

## BALANCED BUDGET AMENDMENT/Statutory Substitute

**SUBJECT:** **Balanced Budget Constitutional Amendment . . . S. J. Res. 1. Hatch motion to table the Bumpers motion to refer the resolution to the Budget Committee with instructions to report back forthwith with the Bumpers/Feingold substitute amendment No. 12.**

### ACTION: MOTION TO TABLE AGREED TO, 65-34

**SYNOPSIS:** As reported, S. J. Res. 1, the Balanced Budget Constitutional Amendment: will require a three-fifths majority vote of both Houses of Congress to deficit spend or to increase the public debt limit; will require the President's annual proposed budget submission to be in balance; and will require a majority of the whole number of each House to approve any bill to increase revenue. Congress will be allowed to waive these requirements for any fiscal year in which a declaration of war is in effect. Congress will enforce and implement this amendment by appropriate legislation. The amendment will take effect in fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later. The States will have 7 years to ratify the amendment. For related debate, see 103rd Congress, second session, vote Nos. 47-48, 104th Congress, first session, vote Nos. 62-63 and 65-98, and 104th Congress, second session, vote No. 158.

**The Bumpers motion to refer** the resolution to the Budget Committee would direct the Committee to report it back forthwith with the Bumpers/Feingold substitute amendment. The Bumpers/Feingold substitute amendment would change the resolution from a constitutional amendment to a statutory amendment of the Budget Act, and would make several weakening changes as well. It would create a point of order against considering a budget resolution for fiscal year 2002 and later fiscal years in which projected outlays exceeded projected receipts. It would ignore Social Security receipts and outlays when determining if the budget were in balance. It would allow the waiver of this point of order by three-fifths majority votes of the whole number of each House. It would also allow the waiver of this point of order in any fiscal year in which a declaration of war was in effect or in any fiscal year that a majority of the whole number of each House passed a resolution, that then became law, that declared that the United States was in a military conflict that caused an imminent and serious military threat to national security.

Debate was limited by unanimous consent. Following debate, Senator Hatch moved to table the Bumpers motion. Generally, those

(See other side)

YEAS (65)			NAYS (34)		NOT VOTING (1)	
Republicans (54 or 100%)	Democrats (11 or 24%)		Republicans (0 or 0%)	Democrats (34 or 76%)	Republicans (1)	Democrats (0)
Abraham	Helms	Baucus		Akaka	Inhofe- <sup>2</sup>	
Allard	Hutchinson	Biden		Boxer		
Ashcroft	Hutchison	Bingaman		Breaux		
Bennett	Jeffords	Bryan		Bumpers		
Bond	Kempthorne	Graham		Byrd		
Brownback	Kyl	Harkin		Cleland		
Burns	Lott	Kohl		Conrad		
Campbell	Lugar	Moseley-Braun		Daschle		
Chafee	Mack	Reid		Dodd		
Coats	McCain	Robb		Dorgan		
Cochran	McConnell	Wyden		Durbin		
Collins	Murkowski			Feingold		
Coverdell	Nickles			Feinstein		
Craig	Roberts			Ford		
D'Amato	Roth			Glenn		
DeWine	Santorum			Hollings		
Domenici	Sessions			Inouye		
Enzi	Shelby					
Faircloth	Smith, Bob					
Frist	Smith, Gordon					
Gorton	Snowe					
Gramm	Specter					
Grams	Stevens					
Grassley	Thomas					
Gregg	Thompson					
Hagel	Thurmond					
Hatch	Warner					

#### EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

#### SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

favoring the motion to table opposed the amendment; those opposing the motion to table favored the amendment.

**Those favoring** the motion to table contended:

Those who cannot learn from history are doomed to repeat it. Proponents of this amendment have expressed amazement that no one has thought of enacting this particular legislative fix before. We remind our colleagues of a few of the legislative attempts to ensure balanced budgets that have so far been adopted: the Revenue Act of 1964; the Revenue Act of 1978; the Humphrey Hawkins Act of 1978; the Bretton Woods agreement; codification of title 31; and Gramm-Rudman-Hollings I and II. All of these measures were well intended, and some had positive effects, but none solved the problem of deficit spending because none was truly binding. It does not take long for Congress to create exceptions and loopholes and then finally to repeal any statute that actually begins to restrict its spending. No matter how cleverly written a statute may be, those Members who want to tax more and spend more can weasel their way around it. The United States is suffering from a structural problem wherein Members are rewarded for satisfying short-term wants by mortgaging the long-term future of our country. No statutory solution will overcome this structural bias. The only solution is to eliminate the bias by amending the Constitution. As numerous Senators have noted, it is a very difficult matter to amend this document. Unlike a statute, this constitutional amendment will be permanent. We therefore urge our colleagues to reject the Bumpers amendment's unrealistic call for one more statutory attempt, and to vote in favor of this constitutional amendment as drafted.

**Those opposing** the motion to table contended:

We have never hidden our distaste for amending the Constitution. When proposals are made to amend this basic document of our republic, we are always very skeptical. In this particular case, we are even more alarmed because there are so many basic unanswered questions, like the extent to which we are inviting judicial activism in the budget process. A simple, workable legislative fix is possible, and is contained in the Bumpers amendment. The genius of this amendment is that it would amend budget rules to require the same majority votes that are in the constitutional amendment before us. Thus, if the Budget Committee reported a resolution that was out of balance, a 60-vote point of order would lie against it. Our logic is that if the budget rules in this constitutional amendment are all that we need to follow in order to balance the budget, then we should make them part of the Budget Act instead of part of the Constitution. In drafting this amendment, we made a couple of changes, including to protect Social Security, but in sum this amendment would accomplish legislatively what our colleagues are trying to accomplish constitutionally. We believe this amendment is meritorious, and we urge our colleagues to give it their support.